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PTO/SB/21 (08-00)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	08/836,369	
	Filing Date	10/20/1997	
	First Named Inventor	Volker Schmidt	
	Group Art Unit	2859	
	Examiner Name	Jagan, Mirellys	
Total Number of Pages in This Submission	5	Attorney Docket Number	004-1

ENCLOSURES (check all that apply)		
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PATENT
Attorney Docket No.: 004-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHMIDT et al.

Application No.: 08/836,369

Filed: October 20, 1997

For: TEMPERATURE –
MEASUREMENT DEVICE WITH
DIFFRACTIVE OPTICS (As amended)

Examiner: Jagan

Art Unit: 2859

RESPONSE

Assistant Commissioner for Patents

Sir:

In response to the Office Action mailed 02/18/04, please consider the following remarks.

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REMARKS

Claims 1, 3, and 82 have been examined and are now pending in the application. Reexamination and reconsideration of all outstanding rejections and objections are requested.

Claims 1 and 82 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,368,392 (Hollander) in view of the publication titled "Unique Applications of Computer-Generated Diffractive Optical Elements" by Mokry.

Claim 1 has previously been rejected solely over the reference Hollander. In the opinion of the Board (Opinion) it is stated that the feature of the claim in dispute, i.e., not disclosed in Hollander, is "a laser aligned to illuminate a diffractive optical system to produce a diffraction pattern in the form of light intensity distribution" for the purposes of identifying and outlining the position and size of the measurement spot on the object of measurement by means of visible light. (Opinion, page 3)

The Board further states that from its study of Hollander there is no teaching or suggestion within Hollander of utilizing a diffractive optical system to produce a diffractive pattern forming light intensity distributions. (Opinion pg. 4).